



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,296	11/27/2001	Srinivas Kandala	8371-143	8998
46404	7590	08/29/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/995,296

Applicant(s)

KANDALA, SRINIVAS

Examiner

Steven HD Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-15,17-24,26-33,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14,15,17,18,32,33,35 and 36 is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13,19-24 and 26-30 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on 6/19/06. Claims 7, 16, 25, and 34 have been canceled and claims 1-6, 8-15, 17-24, 26-33 and 35-36 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 12 recites the limitation "the notification" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-6, 8-9, 19-24, 26-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-6 and 8-9, the claimed invention is directed to a device comprising a processor adapted to perform the acts such receive, schedule, communicate, monitor, determine

Art Unit: 2616

etc.. that do not fall within any of the four categories of statutory subject matter of 35 U.S.C. § 101. Viewed as a whole, the claimed invention merely expression the device that executes the acts by the processor based on the computer instruction that not stored on a computer readable medium and executing by a computer. The claimed program instructions are clearly an abstract ideas or signal (See specification, page 7, lines 8 to page 8, line 17); Therefore, the claimed program instructions do not fall within the product classes, machine and composition of matter.

Regarding claims 19-24 and 26-27, the claimed invention is directed to an article comprising a storage medium having instructions stored thereon, when executed by at least one device. that do not fall within any of the four categories of statutory subject matter of 35 U.S.C. § 101. Viewed as a whole, the claimed invention merely expression an article that executes the instructions that stored on a storage medium by at least one device without stored the computer instructions on a computer readable medium and executing by a computer. The claimed program instructions are clearly an abstract ideas or signal (See specification, page 7, lines 8 to page 8, line 17); Therefore, the claimed program instructions do not fall within the product classes, machine and composition of matter.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2616

8. Claims 10-11, 13, 19-21 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benveniste (US 20020163933) in view Ho (US 69700422).

Regarding claim 10, 19 and 28, Benveniste teaches a device comprising means for receiving contending requests for respective non-contending wireless data transmissions through a medium ("RTS frame"; [0042]), means for scheduling an ending time of a time window during which subsequent contending requests are impermissible ([0054]); means for communicating the scheduled ending time; means for monitoring the medium during the non-contending wireless transmissions ([0054]); means for determining that one of the wireless transmissions through the monitored medium ended before the scheduled ending time (by "contention-free end frame 126" , [0054]). However, Benveniste fails to fully disclose a means for communicating that transmitting additional subsequent contending requests for reserving other non-contending wireless data transmissions are permissible even if made before the scheduled ending time. In the same field of endeavor, Ho discloses a means for communicating that transmitting additional subsequent contending requests for reserving other non-contending wireless data transmissions are permissible even if made before the scheduled ending time (Figs 10, 11a, 12a, Col. 21, lines 30 to col. 22, lines 7 and col. 22, lines 64 to col. 3, lines 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for communicating that transmitting additional subsequent contending requests for reserving other non-contending wireless data transmissions are permissible even if made before the scheduled ending time as disclosed by Ho into the teaching of Benveniste. The motivation would have been to improve the throughput of the system.

Art Unit: 2616

Regarding claims 11, 20 and 29, Benveniste discloses means for detect an idle time in the medium ([0046]); and means for comparing the idle time to a preset minimum time ([0046]); and in which the wireless transmission is determined to have ended if the idle time is longer than the preset minimum time ([0046]) (in addition, all limitations are inherently satisfied for using CSMA).

Regarding claim 13, Benveniste further teaches that the preset minimum time equals a DIFS ([0046]).

Regarding claims 21 and 30, Benveniste further teaches that the device is further adapted to: start an idle counter if the medium is detected to be idle ("idle timer"; [0050]).

Allowable Subject Matter

9. Claims 14-15, 17-18, 32-33 and 35-36 allowed.
10. Claims 12 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

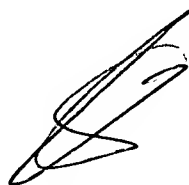
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven HD Nguyen
Primary Examiner
Art Unit 2616
August 19, 2006